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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/562,468

12/27/2005

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W1.2306 PCT-US

5472

7590

10/02/2008

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EXAMINER

BANH, DAVID H

ART UNIT

PAPER NUMBER

2854

MAIL DATE

DELIVERY MODE

10/02/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/562,468	BERNARD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DAVID BANH	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 19-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 19-36 have been considered but are moot in view of the new ground(s) of rejection.
2. In particular, the inclusion of an operating element in claim 19 and the increased description of the operating element in independent claims 21 and 29 necessitate a change to the grounds of rejection.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 19, 29-33, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weschenfelder (US Patent 6,408,746) in view of Chretienat et al. (US Patent 6,167,806).

Weschenfelder teaches at least one web-fed rotary printing unit **01** in a printing press including at least one pair of cylinders including a forme cylinder **11** and a transfer cylinder **16**. Weschenfelder teaches a drive connection **77, 78** mechanically coupling the forme and transfer cylinders with a drive motor engageable to the drive connection able to rotate the forme and transfer cylinders through the connection. In Weschenfelder, the drive motor is assigned to a pair of forme and transfer cylinders and drives both of these in a coupled fashion (column 3, lines 5-12). Weschenfelder

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teaches a first operating side of the press (see Figure 2, the side facing the human operator **55**) and a second side of the press facing away from the first side of the press (the left side of Figure 2, away from side immediately to the left of the operator **55**).

Weschenfelder teaches that the drive motor may be located anywhere on the frame **23** and Figure 5 further depicts the drive motor **79** being near form and transfer cylinders **74**, **76**, which would position both the drive motor and the drive connection on the first operating side of the printing press.

Weschenfelder does not teach that an operating element to be a control device for controlling the press. However, Chretienat et al. teaches a controller for controlling the press (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to place a controller as an operating element on the frame of the press on a first operating side adjacent to the human operator, connected to the cylinders of the press so that a human operator can quickly change the properties of printing as necessary.

For claim 29: Weschenfelder teaches a first and second web-fed rotary printing presses, the first being **01** and **02** and the second being **03** and **04**, including at least a first and second pair of cylinders including a forme cylinder **11**, **12** and a transfer cylinder **16**, **17**. Weschenfelder teaches at least first and second printing units in each of the printing presses, **01**, **02**, **03** and **04**. Weschenfelder teaches a drive motor adapted to drive each of the printing units of at least the first and second presses independently of other ones of the press (column 3, lines 5-12). Weschenfelder teaches first and second lateral frames **23**, **24** of a printing press each of the first and

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second frames with the ends of forme and transfer cylinders being adapted to be received in the lateral frames (see Figure 1, with forme and transfer cylinders arranged on the frames **23, 24**). In Figure 5, Weschenfelder teaches that frame **23** defines a first and a second side to the printing press, the second side being the leftmost side and the first operating side being the side facing the human operator **55**. Weschenfelder teaches a motor **79** that is arranged with the forme and transfer cylinders **74, 76** on the operating side of the press. Since Weschenfelder also teaches that the motor may be arranged anywhere on the frame **23** (column 3, lines 14-20), a drive motor can also be arranged on a second opposite end of a second press unit.

Weschenfelder does not teach that an operating element to be a control device for controlling the press. However, Chretienat et al. teaches a controller for controlling the press (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to place a controller as an operating element on the frame of the press on a first operating side adjacent to the human operator, connected to the cylinders of the press so that a human operator can quickly change the properties of printing as necessary.

For claim 30: Weschenfelder teaches that the printing unit can be driven independently by a drive motor (column 3, lines 5-12).

For claim 31: Weschenfelder teaches that all of the printing units have drive motors (column 3, lines 13-14). Weschenfelder suggests that the motors may be arranged anywhere on the frame **23** (column 3, lines 14-20). As such it would be obvious to one

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of ordinary skill in the art to arrange them on the operating side of the printing press as this would locate them close to the forme and transfer cylinders.

For claim 32: MPEP 2144.04 Section IV Subsection C states that the rearrangement of parts, such as the placement of the drive motors is not patentable. Additionally, Weschenfelder already teaches that the drive motors can be placed on either side of the frame **23** and thus can be placed on the second opposite and left side of the printing press to drive the forme and transfer cylinders.

For claim 33: Weschenfelder teaches supports **63** that connect from first and second printing units **01, 02** of the first printing press remote from the first operating side.

For claim 35: In Figure 3 of Weschenfelder, if we treat printing units **01, 02** as one printing press and **08, 09** as a second press, each press has a longitudinal axis and the presses have parallel axis but are displaced from each other at a vertical distance.

For claim 36: In Figure 3 of Weschenfelder, if we treat printing units **01, 02** as one printing press and **03, 04** as second press, each press has a longitudinal axis and as the presses are level and identical, both axes will be aligned.

5. Claims 20-22 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weschenfelder (US Patent 6,408,746) in view of Chretienat et al. (US Patent 6,167,806) and Hasegawa et al. (US Patent 5,537,920).

For claim 20: Weschenfelder teaches first and second lateral frames **23, 24** of a printing press each of the first and second frames with the ends of forme and transfer cylinders being adapted to be received in the lateral frames (see Figure 1, with forme and transfer cylinders arranged on the frames **23, 24**).

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Weschenfelder does not teach that an operating element to be a control device for controlling the press. However, Chretienat et al. teaches a controller for controlling the press (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to place a controller as an operating element on the frame of the press on a first operating side adjacent to the human operator, connected to the cylinders of the press so that a human operator can quickly change the properties of printing as necessary. Where multiple controlling elements are necessarily, MPEP Section 2144.04 holds that the duplication of known parts does not constitute patentable subject matter. It would have been obvious to one of ordinary skill in the art to simply provide additional controlling elements for managing the properties of the printer.

Furthermore, Hasegawa et al. teaches connection points on a frame for a printing control unit **67** that controls the functions of the printing units and is placed in a connecting point in a frame **1** of the press (column 5, lines 23-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to position an operating element to control the press into the frame of the press in order to actuate the functions of the printing press and to place it on an operating side of the press so that it can be easily accessed.

For claim 21: Weschenfelder teaches two one web-fed rotary printing units **01, 02** in a printing press including at least one pair of cylinders including a forme cylinder **11** and a transfer cylinder **16** on each printing unit. Weschenfelder teaches a frame **23** which of the printing press, the frame **23** carrying cylinders **18, 19, 21**, etc. MPEP Section 2144.04 Part VI holds that duplication of parts such as a second frame, including

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reversal of the frame to define an opposite side of the printing press is obvious to one of ordinary skill in the art.

Weschenfelder does not teach that an operating element to be a control device for controlling the press. However, Chretienat et al. teaches a controller for controlling the press (see abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to place a controller as an operating element on the frame of the press on a first operating side adjacent to the human operator, connected to the cylinders of the press so that a human operator can quickly change the properties of printing as necessary. Where multiple controlling elements are necessarily, MPEP Section 2144.04 holds that the duplication of known parts does not constitute patentable subject matter. It would have been obvious to one of ordinary skill in the art to simply provide additional controlling elements for managing the properties of the printer.

Furthermore, Hasegawa et al. teaches connection points on a frame for a printing control unit **67** that controls the functions of the printing units and is placed in a connecting point in a frame **1** of the press (column 5, lines 23-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to position an operating element to control the press into the frame of the press in order to actuate the functions of the printing press and to place it on an operating side of the press so that it can be easily accessed.

For claim 22: MPEP Section 2144.04 holds that duplication of parts has no patentable significance, therefore, it would be obvious to one of ordinary skill in the art to include



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prepared connection points in both first and second printing units as they are already taught above for a single printing unit.

For claim 25: Weschenfelder teaches a second pair of cylinders **12, 17** (column 3, lines 5-10) in the printing unit and also teaches that it is possible to drive all of the cylinders by a single drive motor (column 3, lines 13-14).

For claim 26: Weschenfelder teaches a second pair of cylinders **12, 17** as above and teaches that each pair may be independently drive (column 3, lines 5-11).

For claim 27: Weschenfelder teaches a first side (Figure 2, the side facing operator **55**) and a second side (see Figure 2, left hand side of the printing press) with the drive motor may be located anywhere on the frame **23**. Figure 5 further depicts the drive motor **79** being near form and transfer cylinders **74, 76**, which would position both the drive motor and the drive connection on the first operating side of the printing press.

6. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weschenfelder (US Patent 6,408,746) and Chretienat et al. (US Patent 6,167,806) as applied to claim 19 above, and further in view of Fujimoto (US PG Pub 2003/0048324).

For claim 23: The combination of Weschenfelder and Chretienat et al. teaches all of the limitations of claim 23 as found in parent claim 19. Weschenfelder also teaches frames **23** capable of holding a material supply unit and connecting it to the operating element. The combination does not teach a material supply unit connected to the operating element. However, Fujimoto teaches a material supply unit **20** that is connected to an operating control element **90, 92** (page 2, paragraph 20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a material

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supply unit connected to the operating control element to supply the rotary press with web material for printing.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weschenfelder (US Patent 6,408,746), Chretinat et al. (US Patent 6,167,806) and Hasegawa et al. (US Patent 5,537,920) as applied to claim 20 above, and further in view of Fujimoto (US PG Pub 2003/0048324).

For claim 24: The combination of Weschenfelder, Chretinat et al. and Hasegawa et al. teaches all of the limitations of claim 24 as found in parent claim 20. The combination does not teach a web-draw-in guide device attached to the connection point. However, Fujimoto teaches a guide roller for drawing in web **40** connected to a web supply device that is coupled to an operator element **90, 92** (page 2, paragraph 20), which was taught by Chretinat et al. and Hasegawa et al. to be connected to connection points of the frame. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use guide rollers to guide the web into the printing press controlled by an operating device for the purpose of stabilizing the paper supplied to the print press.

8. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weschenfelder (US Patent 6,408,746), Chretinat et al. (US Patent 6,167,806) and Hasegawa et al. (US Patent 5,537,920) as applied to claim 21 above, and further in view of Schmitt (US Patent 5,640,906).

Weschenfelder teaches all of the limitations of claim 28 as found in parent claim 21 above. Weschenfelder does not teach that a folded product delivery device is located

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on the first operating side. However, Schmitt teaches a folded product delivery device **68** for a printing press (column 6, lines 1-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a folded product delivery device for folding and discharging the printed product from the press and to place it on the operating side so that the discharged material can be easily accessible to an operator.

9. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Weschenfelder (US Patent 6,408,746) and Chretienat et al. (US Patent 6,167,806) as applied to claim 29, and further in view of Schmitt (US Patent 5,640,906).

The combination of Weschenfelder and Chretienat et al. teaches all of the limitations of claim 34 as found in parent claim 29 above. The combination does not teach that a folded product delivery device is located on the first operating side. However, Schmitt teaches a folded product delivery device **68** for a printing press (column 6, lines 1-20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a folded product delivery device for folding and discharging the printed product from the press and to place it on the operating side so that the discharged material can be easily accessible to an operator.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID BANH whose telephone number is (571)270-3851. The examiner can normally be reached on M-Th 9:30AM-8PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571)272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DHB  
September 29, 2008

/Daniel J. Colilla/  
Primary Examiner  
Art Unit 2854